



16611

CAPTAIN OF THE PORT POLICY LETTER 01-00

Subj: DESIGNATED WATERFRONT FACILITY SELF-INSPECTION PROGRAM
GUIDELINES

1. BACKGROUND. In July 1998, as part of our efforts to deploy resources based on assessed risks and to use "prevention through people" initiatives to encourage industry to actively seek regulatory compliance, MSO Wilmington initiated the Designated Waterfront Facility Self-Inspection Program (FSIP). The program's goal was to ensure a continuous state of regulatory compliance while encouraging maritime industry to take personal responsibility for making safety and prevention an integral part of daily operations. The only pre-requisite for enrollment in the program was that all interested designated waterfront facility operators be in favorable regulatory standing. This year, the FSIP was evaluated on program effectiveness and it was determined that a need existed for more specific guidelines, standards, and measures. This policy letter serves to better outline and establish new guidelines for the MSO Wilmington FSIP. The FSIP encourages company management to set a clear safety and environmental ethic, identify and address high risk operations, and empower company personnel to promote safety and prevention throughout all operations.
2. DIRECTIVES AFFECTED. This Policy Letter replaces MSO Wilmington OPSINST 16611.1.
3. DISCUSSION. Facility operators are required to keep their facilities in a constant state of compliance with all applicable requirements of Title 33, Code of Federal Regulations, Part 154, 156, 158, and all other applicable federal, state, and local laws. When pollution or safety incidents involving facilities are investigated, MSO investigators will establish if any of the applicable regulations were not followed and attempt to correlate the incident to the application of regulations. All casualty and pollution incidents that are investigated shall be documented as required by law, regulation and/or Coast Guard Policy. The necessity for proper documentation for such incidents is vital for establishing facility history and oil spill trends.
4. POLICY.
 - a. Designated waterfront facility operators must conduct at least one self-inspection per year.
 - b. The self-inspection must be documented in writing using a facility-generated inspection checklist or the Coast Guard's facility inspection checklist, included as enclosure (1). The Port Environmental Safety Division at MSO Wilmington must approve all facility-generated checklists before use.

- c. MSO Wilmington **must** be notified of the annual self-inspection using enclosure (2), with a copy of the inspection checklist included as part of this notification.

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- d. In the event of any waterfront safety or pollution related incident, facility operators must submit a "lessons learned" summary to the Port Environmental Safety Division at MSO Wilmington within 30 days of the incident or completion of clean up, whichever is later. This summary should include: (1) the circumstances that contributed to the cause of the incident; (2) identification of "lessons learned" from the incident; and (3) measures taken to prevent recurrence of similar incidents. A sample format is included in enclosure (3). Examples of waterfront safety or pollution related incidents include marine casualties, oil spills on land or in the water, hazardous materials releases, or transfer equipment failures.
- e. Personnel from the MSO will continue to monitor transfer operations and conduct spot checks at facilities. If discrepancies are found during a spot check, MSO personnel can conduct a full facility inspection. Typical spot check items include, but are not limited to, items found in enclosure (1) and 33 CFR 154.740.
- f. The general criteria used by MSO Wilmington for revoking a facility's eligibility to participate in the FSIP program are listed in enclosure (4). These criteria listed are not all inclusive; the MSO may review and revoke for cause any facility's participation in the program at any time. Prior to being removed, the facility will receive a letter from the MSO informing them that their removal from the program is being considered. The MSO letter will address all criteria and reasons for considering removal and will give the facility owner/operator an opportunity to appeal the consideration of removal in writing within thirty (30) days from the date of the letter.
- g. Facility owner/operators wishing to remain in the FSIP must sign an Acknowledgement Letter stating they have read, understand, and accept the new changes to the FSIP, and return it to the MSO no later than 45 days from the date of this letter. A sample Acknowledgement Letter is provided in enclosure (5).

W. C. BENNETT

Encl: (1) USCG Facility Inspection Form
(2) Notification of Annual Self-Inspection Form
(3) Sample Format for Lessons Learned
(4) Criteria for Revoking Eligibility in FSIP
(5) Acknowledgement Letter

Copy: D5 (Am)

Criteria for Removal of Facilities from the MSO Wilmington FSIP

1. Three (3) or more Pollution Prevention Regulation* violations found within one (1) calendar year by MSO facility inspectors during pollution investigations, routine facility spot checks and harbor patrols. All discrepancies **will** be documented using the Facility Inspection Report.
2. Two (2) or more oil spills or pollution incidents directly related to cargo transfer operations within three (3) calendar years. The pollution incidents shall be such that some type of compliance or enforcement action was taken by the Coast Guard; e.g., Notice of Violation or Marine Violation case. Incidents which occur that are not related to the Pollution Prevention Regulations will be evaluated on a case by case basis.
3. Failure to provide the timely submittal of annual self-inspections or "lessons learned" for incidents that occur at the facility. MSO facility inspectors will assist the facility if requested.

* Pollution Prevention Regulations are defined as 33 CFR 154-156.

U. S. Coast Guard
MSO Wilmington
1502 23rd Street
Wilmington, NC 28405
Attn: PES Division

FSIP Lessons Learned Submission

Facility:

Date of Incident/ Completion of Clean-up:

Point of Contact:

Phone/ Fax/ Email:

Describe the Incident:

Causes/ Factors leading to Incident and Corrections Made:

*** Attach additional sheets as needed to describe causes and corrections/regulations made to prevent re-occurrence.**

Facility: _____

Address: _____

Date: _____

U. S. Coast Guard
Marine Safety Office
1502 23rd Street
Wilmington, NC 28405
Attention: PES Division

Dear Sir:

We have reviewed the contents of the COTP Policy Letter 01-00, Designated Waterfront Facility Self-Inspection Program Guidelines.

We understand and agree to the following guidelines:

- Ensure our facility is maintained in a continuous state of compliance with all applicable federal, state, and local regulations.
- Conduct an annual self-inspection of the facility and document the completion of this self-inspection through written notification to your office.
- Submit Lessons Learned within 30 days following any waterfront safety or pollution related incident.
- The criteria for revoking our participation in the FSIP.

You will find a copy of our facility-generated self-inspection checklist included as enclosure (1) or we will be using the inspection form provided by the Coast Guard to serve as our self-inspection checklist (choose one).

Primary and secondary points of contact for our facility are:

(Name & Title)

(Phone)

(Name & Title)

(Phone)

Sincerely,

Signature of Owner/Operator